

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA**

Norfolk Division

In Admiralty

JAMES F. WILSON LIVING REVOCABLE
TRUST OF JAMES F. WILSON,

Plaintiff,

vs.

AT LC 87, LLC, *in personam*,
and M/Y BBELLA, Official Number 1290829,
(ex JIMMYISM) her engines, apparel,
appurtenances, etc., *in rem*,

Defendants.

Case No. 2:23-cv-441

ORDER APPOINTING SUBSTITUTE CUSTODIAN

Considering the foregoing *Ex Parte* Motion for Appointment of Substitute Custodian filed by plaintiff, James F. Wilson Living Revocable Trust of James F. Wilson (“Wilson”), and finding same well-founded, it is hereby:

ORDERED, ADJUDGED AND DECREED that the United States Marshal of the United States District Court for the Eastern District of Virginia be and hereby is authorized and directed upon his arrest and seizure of the 87’ Cheoy Lee, M/Y BBELLA, Official Number 1290829, her engines, tackle, equipment, appurtenances, etc., pursuant to the *In Rem* Warrant for Arrest issuing in this case, to surrender the possession thereof to the substitute custodian named herein, and that upon such surrender, the United States Marshal shall be discharged from his duties and responsibilities for the safekeeping of the 87’ Cheoy Lee, M/Y BBELLA, Official Number 1290829 her engines, tackle, equipment, appurtenances, etc. (the “Vessel”);

IT IS FURTHER ORDERED that National Maritime Services be and hereby is appointed the substitute custodian of the 87' Cheoy Lee, M/Y BBELLA, Official Number 1290829, to retain the same in its custody for possession and safekeeping;

IT IS FURTHER ORDERED in consideration of the Court's appointment of National Maritime Services, Plaintiff agrees to release the United States and the Marshal from any and all liability and responsibility arising out of the care and custody of the 87' Cheoy Lee, M/Y BBELLA, Official Number 1290829 from the time the U.S. Marshal transfers possession of said vessel over to the substitute custodian, and the plaintiff further agrees to hold harmless and to indemnify the United States and the Marshal from any and all claims whatsoever arising out of the substitute custodian's possession and safekeeping of the 87' Cheoy Lee, M/Y BBELLA, Official Number 1290829;

IT IS FURTHER ORDERED that said substitute custodian shall retain the 87' Cheoy Lee, M/Y BBELLA, Official Number 1290829, in its custody, possession, and safekeeping until further Order of this Court;

IT IS FURTHER ORDERED the 87' Cheoy Lee, M/Y BBELLA, Official Number 1290829, may be moved with the permission of the Marshal to other berths or anchorages within this judicial district, so long as the vessel stays within this judicial district;

IT IS FURTHER ORDERED that all reasonable expenditures of the United States Marshals Service for the safekeeping of the Vessel shall be deemed administrative expenses in this action and first charge on the Vessel herein, to be paid to the United States Marshals Service prior to the release of the Vessel or distribution of the proceeds of its sale;

IT IS FURTHER ORDERED that all reasonable expenditures which may be incurred by National Maritime Services as substitute custodian, or any party advancing funds to National

Maritime Services as substitute custodian, in safekeeping or maintaining the Vessel while she is in *custodia legis*, shall be deemed administrative expenses or *custodia legis* expenses and paid prior to the release of the Vessel or distribution of the proceeds of its sale;

IT IS FURTHER ORDERED that any intervenor shall owe a debt to any party that has previously advanced funds to cover the expenses of the United States Marshals Service and/or substitute custodian, enforceable on motion, consisting of the intervenor's share of such fees and expenses in the proportion that the intervenor's claims bear to the sum of all the claims; and

IT IS FURTHER ORDERED the plaintiff's attorney shall serve a copy of this Order upon the owner of the Vessel in care of the Vessel's Master, or if the Master is unavailable by service on the Vessel, pursuant to Rule 4 of the Federal Rules of Civil Procedure.

IT IS SO ORDERED.

/s/ 

Jamar K. Walker
United States District Judge

Norfolk, Virginia
September 7, 2023